

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA )      Criminal Case No. 3:04cr00092-8  
                              )  
v.                          )      2255 FINAL ORDER  
                              )  
RASHADI ANDRE WEARING, )      By: Norman K. Moon  
Petitioner.                )      United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that the United States' motion to dismiss (Docket No. 516) is **GRANTED**; Wearing's motion pursuant to 28 U.S.C. § 2255 (Docket No. 507) is **DISMISSED**; and this action is **STRICKEN** from the active docket of this court.

Further, finding that Wearing has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

The Clerk is directed to send a certified copy of this order and the accompanying memorandum opinion to the parties.

**ENTER:** This 15th day of November, 2013.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE